

### **REMARKS**

By this amendment, claims 1-9, 12, and 14-32 have been amended. The specification has been amended to correct certain informalities. Accordingly, claims 1-33 are currently pending in the application, of which claims 1, 8, 23, and 29 are independent claims.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendments may be found at least in Fig. 12 and at page 21, line 11 – page 22, line 6 of the specification.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

#### ***Rejections Under 35 U.S.C. § 101***

Claims 1-7, 8-22, and 23-28 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

The preamble of claims 1, 8, and 23 has been amended to recite "A method that utilizes a processor to provide answers to a question ..." (emphasis added).

Furthermore, claim 1 has been amended to recite "calculating evaluation result data, using the processor, by reflecting the evaluation data," claim 8 has been amended to recite "increasing polling score, using the processor, corresponding to the answers in response to the input of the votes," and claim 23 has been amended to recite "increasing point data, using the processor, associated with the second user who input the adopted answer based on the evaluation data" (emphasis added).

In *Ex parte Buhan*, Appeal 2008-3441 (Decided April 14, 2009), the Board found sufficient tying to another statutory class where a preamble machine was also embodied in at

least one process step. Specifically, the Board found those “elements sufficient for satisfying the “particular machine” prong of the *Bilski* machine or transformation test.” *Buhan*, page 12.

Thus, in view of *Ex parte Buhan*, claims 1, 8, and 23 Applicant respectfully submits that amended claims 1, 8, and 23 are directed to statutory subject matter.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 101 rejection of claims 1-7, 8-22, and 23-28.

### ***Rejections Under 35 U.S.C. § 102***

Claims 1, 3, 4, 6-24, 26, 29, and 30 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,064,978 issued to Gardner, *et al.* (“Gardner”).

In order for a rejection under 35 U.S.C. § 102(b) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(b) rejection improper.

The Office Action fails to establish a *prima facie* case of anticipation at least because Gardner fails to disclose every claimed feature.

Claim 1 recites, *inter alia*:

- (c) receiving evaluation data for the question from a second user or an operator of the web page;
- (d) calculating evaluation result data, using the processor, by reflecting the evaluation data

Gardner fails to disclose at least these features. The Office Action relies upon the comments of Gardner to teach the evaluation data and relies upon the question points of Gardner to teach the evaluation result data (page 5). Gardner discloses that “comments relevant to the question Q are published by potential answerers and by A” (col. 3, lines 21-22). Gardner also discloses that “[t]he asker will generally assign a number of question points

proportional to the difficulty and urgency of the question" (col. 3, lines 11-13). Thus, the question points are not calculated by reflecting the comments. Hence, Gardner does not teach "(d) calculating evaluation result data, using the processor, by reflecting the evaluation data." Therefore, Gardner fails to disclose each and every claimed feature of claim 1.

Claim 8 recites, *inter alia*:

providing a question input by a first user on a given web page;

...

if a plurality of answers are input, receiving votes for the answers from a third user for a predetermined voting period; and  
increasing polling score, using the processor, corresponding to the answers in response to the input of the votes

Gardner fails to disclose at least these features. The Office Action relies upon the numerical score of Gardner to teach the polling score of claim 8 (page 7). Gardner discloses that "A assigns a quantitative evaluation, e.g. a letter grade or numerical score, to each of the comments that were deemed to constitute an answer or part of an answer in step 106" (col. 3, lines 21-22). However, A is also the questions asker (col. 3, line 8). Thus, A corresponds to both the first user who inputs the question and the third user who votes for the answers. The first user and the third user are each positively recited elements of claim 8. Hence, A of Gardner cannot be relied upon to teach both first user and the third user.

Claim 23 recites, *inter alia*:

if the period has elapsed, receiving input for adopting the answer and evaluation data for the adopted answer from the first user; and  
increasing point data, using the processor, associated with the second user who input the adopted answer based on the evaluation data

Gardner fails to disclose at least these features. The Office Action states that "[c]laim 23 recites the same or similar limitations as those addressed above for claim 8. Claim 23 is therefore rejected for the same reasons as set forth above for claim 8, respectively" (page 11). Applicant disagrees. Claim 8 does not include at least the above features of claim 23. Thus, the Office Action fails to address every feature of claim 23. Applicant further submits that

Gardner fails to teach or suggest at least the above features of claim 23. Therefore, the Office Action is incomplete and, at a minimum, ought to be withdrawn at least for this reason.

Claim 29 recites, *inter alia*:

- (a) providing a question input by a first user on a given web page;
- (b) receiving answers for the question from a second user for a predetermined period;
- (c) providing the answers on a web page in association with the question;
- (d) deciding, using the processor, the question and an answer associated with the question as knowledge data;
- (e) receiving a recommendation for the knowledge data from a third user; and
- (f) providing the recommendation on the web page in association with the knowledge data

Gardner fails to disclose at least these features. The Office Action relies upon the formal recognition of Gardner to teach the knowledge data of claim 29 (page 12). Gardner discloses that "answerers receive formal recognition of their contribution" (col. 5, lines 1-2). However, the question and answer associated with the question do not receive formal recognition. Thus, Gardner does not teach "(d) deciding, using the processor, the question and an answer associated with the question as knowledge data;" Therefore, Gardner fails to disclose each and every claimed feature of claim 29.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 8, 23, and 29. Claims 2-7 and 33 depend from claim 1 and are allowable at least for this reason. Claims 9-22 depend from claim 8 and are allowable at least for this reason. Claims 24, 26, and 28 depend from claim 23 and are allowable at least for this reason. Claims 25 and 27 depend from claim 8 or 23 and are allowable at least for this reason. Claims 30-32 depend from claim 29 and are allowable at least for this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicant respectfully submits that independent claims 1, 8, 23, and 29, and all the claims that depend therefrom, are allowable.

***Rejections Under 35 U.S.C. § 103***

Claims 2, 5, 25, 27, 28, and 31-33 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Gardner in view of U.S. Patent Application Publication No. 2003/0163356 applied for by Marks, *et al.* ("Marks").

Applicant respectfully submits that claims 1, 8, 23, and 29 are allowable over Gardner, and Marks fails to cure the deficiencies of Gardner noted above with regard to claims 1, 8, 23, and 29. Hence, claims 2, 5, 25, 27, 28, and 31-33 are allowable at least because they depend from allowable claim 1, 8, 23, or 29.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 2, 5, 25, 27, 28, and 31-33. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant respectfully submits that claims 2, 5, 25, 27, 28, and 31-33 are allowable.

***Other Matters***

In addition to the amendments mentioned above, Figure 12 has been amended to change reference numeral 903 to 1203 according to page 21, line 16 of the Specification.

**CONCLUSION**

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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